

**REMARKS/ARGUMENTS**

**The Rejection of Claims 1, 4, 5, 8, 10-14, 30 and 31 under 35 U.S.C. §112**

The Examiner rejected the above-identified claims under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention. More specifically, the Examiner noted that Claim 1 lacked proper antecedent basis with regard to "the light beam". Applicant has amended such claim to "a light beam". The Examiner also noted that it was unclear what element performed the step of "switching". Applicant has amended the claim to replace "switching" with "applying". The device that "applies" a different interacting energy comprises the driver (11) in combination with a light beam (as interacting energy comprises both device drive energy and a light beam). Applicants have amended Claim 8 to recite "a light beam".

Reconsideration of the rejection is courteously requested.

**The Rejection of Claims 1, 4, 5, 8, 10-13, 15-21 and 29 under 35 U.S.C. §102(a)**

The Examiner rejected the above-identified claims as being anticipated by Simon et al. Applicants have amended independent Claims 1, 8 and 15 to recite that the interacting energy comprises drive energy and a light beam and that the control loop acts upon the interacting energy to maintain constant temperature of the optically active component.

Simon et al. do not disclose utilizing interacting energy for maintaining temperature of an optically active device, but rather, merely disclose that light intensity is kept constant by a diode that picks off the laser (light) beam. Based on the reading of the diode, the drive frequency of

the AOTF is determined and altered. Hence, the interacting energy ((comprising both drive energy and a light beam)) is not utilized by Simon et al. to maintain temperature.

Because Simon et al. do not disclose each and every limitation of independent Claims 1, 8 and 15, and those claims depending therefrom, the rejection should be reversed.

Additionally, it should be further appreciated that Simon et al. do not disclose, teach or suggest utilizing an interacting energy to maintain the temperature of an optically active component such that the present invention is also nonobvious in view thereof.

The Rejection of Claims 14, 27, 28, 30 and 31 under 35 USC §103

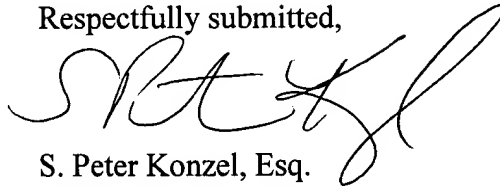
The Examiner rejected the above-identified claims as being obvious in view of the teachings of Simon et al. The above-identified claims all depend from nonobvious Claims 1, 8 and 15; hence, it necessarily follows that Claims 14, 27, 28, 30 and 31 are also nonobvious.

Reversal of the rejection is courteously requested.

**Conclusion**

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SPK', with a large, stylized flourish extending from the end.

S. Peter Konzel, Esq.  
Registration No. 53,152  
CUSTOMER NO. 24041  
Simpson & Simpson, PLLC  
5555 Main Street  
Williamsville, NY 14221-5406  
Telephone No. 716-626-1564

SPK/  
Dated: June 29, 2004